UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1162
14 December 1998
ENGLISH
ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 12 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ ADDRESSED TO THE SECRETARY-GENERAL AND THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you of the following:

1. On 5 December 1998 the Iraqi vessel Al-Abed, which was headed towards the port of Mu'aqal in Basrah carrying 1,500 tons of wheat from the port of Umm Qasr to the Umm Qasr silo, was intercepted by boats and a helicopter belonging to the United States forces while in Iraq's territorial waters. Some soldiers boarded and searched the Iraqi vessel while the remainder stayed on board the boats surrounding it.

2. On 6 December 1998, at 12.30, the Iraqi vessel set sail for the Shatt al-Arab, after the United States forces had completed their operation.

The acts committed by the United States forces constitute blatant aggression against Iraq. I therefore request you to intervene to put an end to these unwarranted acts of aggression, which have increased significantly of late. These practices constitute a violation of the Charter of the United Nations and the rules of international law as well as an attack on the sovereignty and security of a State Member of the Organization. I should also like to reaffirm the right of Iraq to seek compensation, in accordance with the principle of international responsibility, for the injury, principally material, suffered by Iraq and the Iraqi people as a result of the aforementioned acts.

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

98-39406 (E) 141298 141298

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1163
14 December 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 12 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that during the period from 1 October to 30 November 1998, 31 mines, bombs, missiles and other unexploded devices were found and neutralized in the following Iraqi governorates: Ninawa, Basrah, Najaf and Salah al-Din. These explosive devices (American-made cluster bombs, fragmentation bombs, strip bombs, bombs dropped from aircraft and artillery shells) were abandoned following the aggression perpetrated against Iraq by the 30 countries of the coalition.

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

98-39412 (E) 141298 141298

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1998/1164
15 December 1998
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 14 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a memorandum from the Government of the Democratic Republic of the Congo concerning crimes against humanity and gross human rights violations perpetrated by troops of the Rwandan-Ugandan coalition in the town of Goma and its surroundings between the onset of the armed aggression against my country and 21 September 1998 (see annex).

My Government requests that this memorandum be distributed as a document of the Security Council.

(Signed) André Mwamba KAPANGA
Ambassador
Permanent Representative

Annex

Memorandum of 14 December 1998 on the human rights situation in the town of Goma and its surroundings between 2 August 1998, the onset of the aggression against the Democratic Republic of the Congo by the Rwandan-Ugandan coalition, and 21 September 1998

1. The Government of the Democratic Republic of the Congo wishes to provide some details to the international community on the gross violations of human rights and international humanitarian law committed in the Congolese town of Goma and its surroundings by the Rwandan and Ugandan aggressors from 2 August to 21 September 1998.

2. This memorandum is a follow-up to those of 31 August 1998, on the armed aggression by the Rwandan-Ugandan coalition against the Democratic Republic of the Congo (S/1998/827), of November 1998, on the situation in the Democratic Republic of the Congo (S/1998/1042) and of 3 December 1998, on the massacres perpetrated by the Rwandan and Ugandan troops in the Kivu provinces (S/1998/1146), addressed to the President of the Security Council.

3. This memorandum is based on exact, relevant information provided by Solidarité pour la Promotion Sociale et la Paix (SOPROP), a human rights organization based in Goma, North Kivu, in the Democratic Republic of the Congo.

I. MURDERS

A. In the town of Goma

4. On 4 August 1998, at about 10 a.m., Mr. Kyanyema Bernard died at Goma airport from head wounds inflicted by soldiers under the command of Mr. Sylvain Buki (commander of the section intelligence service of the Tenth Brigade of the North Kivu military detachment). He was a resident of the Virunga district and was completing his studies in the humanities, mathematics and physics at the Ndahura Institute in Goma; he was 21 years of age. A local photographer, he was a member of the Rega ethnic group. He had been asked by other soldiers living in the same area to take some photographs.

5. Two soldiers of the Congolese Armed Forces who had been forced to join the Rwandan troops revealed to SOPROP that during the night of 3 August 1998, Mr. Kibonge and Mr. Mutompa, officers from Kantanga province, who were the chief of airport operations and commander of Katindo camp, respectively, had been executed in cold blood by Tutsi soldiers of the Rwandan Patriotic Army (APR) in Goma.

6. On 14 September 1998, at about 11.30 a.m., Mr. Delenge Manchuda, aged 26, was killed by soldiers speaking Kinyarwanda who were members of APR and were escorting tanks and armoured vehicles. The act was committed in a vehicle which the victim had been guarding, and which had broken down opposite the TMK parking lot, to the left of the Afya Yetu pharmacy. He was found in the vehicle, his body riddled with bullets.

7. On 14 September 1998, in the Birere district of Goma, Mr. Didier Kalume, a soccer player on the Virunga team, was shot to death by Rwandan soldiers as he was entering his home.

B. In the town of Sake

8. On 18 August 1998, on the Sake-Nyamitaba road, in the Masisi region, Mr. Clément Hangi, a driver for Jean Mambo, was killed by soldiers based in Kabati (27 kilometres from Sake) as he was on his way to the Kaghusa market. He had disobeyed the local commander, who had ordered him to abandon the passengers aboard his vehicle in order to transport military troops and goods.

9. On 25 August, on the above-mentioned road, Charlotte Ndalemwa (Maman Lyly, wife of Mr. Simon Buunda), 32 years of age and a resident of Sake, was killed by soldiers as she was taking her husband's truck to Nganjo. She was forced to hand over all her money (which she had been planning to use to buy beans and maize) before being shot by two bullets in the thorax and head.

10. On 22 August 1998 in Lushangi (7 kilometres from Sake on the road to Masisi), Mr. Jean-Pierre Miteo's two sons were killed in Lushangi by former Zairian Armed Forces (FAZ) soldiers belonging to the para-commando section of the rebel forces. The victims' names were Mr. Kamuzungu Miteo, age 32, and Mr. Miteo Tintin, age 28. The soldiers suspected them of being Mai Mai. The third victim, Yahaya Binembe, who was brewing banana beer at the time, was killed by the para-commandos who control the positions of Rubindi/Mitumbala and Kasururu (entrance to the Luchangi plantation). He is survived by his widow and three children. All three victims were buried in a common grave in the Lushangi coffee plantation, 20 metres from the road on the right-hand side.

11. The same day, Mr. Shamavu Bushamiro (a 16-year-old member of the Havu ethnic group, who was the son of David and lived in Mitumbala), Mr. Kibakuli (aged 30, father of seven children) and a widow named Ndahondo (mother of eight children) were arrested and executed by soldiers belonging to the section under the protection of Mr. Wamba dia Wamba, President of the Rassemblement congolais pour la démocratie (RCD). Their bodies were abandoned on the road and buried by passers-by in a common grave below the road to Rubindi, 20 metres in the direction of Masisi, on the left-hand side.

12. On the same date, Mr. Maniera Kalemba (aged 30, single) with two other men, all of whom had been war refugees from Masisi since 1993, were killed as they were returning from the fields, ignorant of what had happened in their town after they had left that morning. All three were buried in a common grave not far from the Muthahyo river.

13. Mr. Akili, 16 years of age, who was lying on his bed during the raid, was taken behind his father's house near the Sake stadium and shot dead.

14. Mr. Kabeya Kanyama, who was beaten and kicked by six soldiers because he had refused to do forced labour, did not survive the blows he received.

C. At Bweremana-Minova

15. On 12 September 1998 at Minova, Kalehe region, South Kivu province, Mr. Hemero Elvis, aged 35, residing in the town of Minova, was killed by soldiers from the Rwandan-Ugandan coalition. They accused him of conspiring with the Mai Mai.

16. On the same date, Mr. Mateso, a 28-year-old farmer living in the town of Minova, was killed by rebel soldiers. They accused him of conspiring with the Interahamwe and the Mai Mai.

II. MASSACRES

A. In the town of Goma

17. On 14 September 1998, according to an escapee from Muja in the north, not far from Goma and near the airport, the ethnic populations Hutu and Hunde de Monighi were massacred by Tutsi soldiers from Rwanda during the raid carried out to search for Interahamwe and Mai Mai. Since this locality is under military control, it is difficult to make an accurate report. However, the inhabitants of the area say that more than 300 innocent civilians died.

B. In the town of Sake

18. Sixteen civilians were massacred as they were on their way home from the Sake market by Rwandan soldiers who were returning from the front following their defeat. Six were buried near the Sake bridge on the road to Masisi. The family members of the victims refused to give the victims' names, for fear of reprisals.

III. INDECENT ASSAULT, RAPE AND TORTURE

A. In the town of Goma

19. In the Bureau II clandestine prison belonging to the section intelligence service of the Tenth Brigade, several forms of torture are practised, such as the cutting off of circulation to the genitals, the pulling out of female nipples with pliers, the piercing of fingernails, the rubbing of hot pepper into female genitals, the prolonged detention of prisoners on a cement floor covered with brackish water, whippings and several other cruel forms of torture. For instance:

(a) During the night of 16 September 1998, a certain Zaina Mafuluko, wife of Jacques, a soldier currently at the front, was raped by a Rwandan soldier who had threatened to kill her if she did not yield.

(b) During the night of 18 September 1998, Mrs. Kavira Syauswa and her daughter, residing at Avenue Osso No. 58 in the Mabanga district, were raped by

English-speaking soldiers. Several of her household effects were also carried off, including a television, a radio and women's clothing to be sold.

(c) Gaby Nkuba, a taxi driver from the Office II district, was beaten violently for refusing to hand over his taxi. The same applies to all the motorcycle taxi drivers in the town.

B. In the town of Sake

20. On 18 September 1998, a certain Mumbere, an assistant to Mr. Clément, Mr. Jean Mambo's driver, was struck by bullets in the hands and the right leg. This occurred during the murder of Mr. Clément.

21. The soldiers use the children of Mitumbala and its environs as human shields, forcing the children to spend whole nights with them or to serve them as cooks or scouts.

22. The outlying villages of Lushangi and Chandago were burned.

23. The youths of Sake are either accused of being Mai Mai or forcibly recruited into the Rwandan-Ugandan coalition army.

IV. KIDNAPPINGS AND DEPORTATIONS

A. In the town of Goma

24. On 14 September 1998 in Goma, Messrs. Nzabandora Hamuli, aged 30, Habimana Semajogi, aged 29 and Bahati Ntoriza, aged 26, all residents of Kagusa-Buramo, a village in the Masisi region, were kidnapped in broad daylight by three Rwandan soldiers, among whom was a certain Papi, well known in Goma. These soldiers found their victims in a bean storehouse located in the Birere district. The unfortunate men were all Hutus who had come to former Zaire during the first wave of Rwandan migration. The storehouse manager, Mr. Ngoroma, revealed that the incident had taken place in the absence of witnesses. Their families have no information as to their destination.

25. On 16 September 1998 at around 12 noon, at the Virunga central market in Goma, Mr. Gangi, a butcher and a resident of the Majengo district, was kidnapped by soldiers and taken to a Rugerero prison located 7 km from Gisengi in Rwanda.

26. On the same day, 16 September 1998 at around 4 a.m., in Avenue Mutakoto in the Mabanga district, Goma, Messrs. Murefu Mpabuka, Nzabonimpa Byatete and Bizima Nzabandora, all Hutus, were kidnapped and taken to the Bureau II clandestine prison and later to Rugerero in Gisenyi prefecture in Rwanda. They were inhabitants of the Masisi region. Their three kidnappers, all members of the Rwandan Patriotic Army, were Nganiza Bihira, Bigirimana and Sebukweto.

B. In the town of Sake

27. On 18 September 1998, Mr. Déo Muhanya (Delvis), husband of Justine Bihirike (a Hunde, a father of five and a resident of Kaduki, Sake), was kidnapped from his house, blindfolded and with his hands and feet tied, by persons travelling in a white Nissan Patrol car and a white Land Cruiser, not otherwise identified, who took him to an unknown destination. The investigations carried out led to his discovery three days later in a container at the Goma airport. The container was guarded by three Ugandan soldiers. It was transferred two days later tc the Katale compound, located 100 m from the main road on the right-hand side. Mr. Muhanya has been reported missing ever since.

28. On 21 September 1998 in Sake, Masisi region, a certain Salumu Balingene, aged 70, father of a family of more than 25 children, was kidnapped from his home at around 6 a.m. by Rwandan soldiers travelling in an unlicensed Nissan Patrol vehicle. Since then there has been no news of Mr. Balingene.

29. On the evening of the same day, Mr. Kahasha, a traditional healer, was taken to an unknown destination by soldiers of the Rwandan-Ugandan coalition travelling in three black Land Cruisers with smoked-glass windows. According to his children, the soldiers accused him of being the Mai Mai doctor, even though he showed them all the State administrative documents attesting to his functions as a healer.

V. ARRESTS AND ARBITRARY DETENTION

A. In the town of Goma

30. On 14 September 1998 in the Karisimbi municipality of Goma, a certain Maman Mombi, wife of Mr. Kakuru Charles, owner of the Kacha dispensary based in the Mabanga district, was arrested by soldiers speaking only the Ugandan language (Kiganda) and English for having admitted and treated at her husband's dispensary injured persons accused of belonging to the Mai Mai movement.

31. On 16 September 1998 in the Karisimbi municipality, Mutongo II district, near the Rutoboko primary school, a certain Dominique was arrested by aggressor soldiers and taken away in a Land Cruiser. He was released on 17 September 1998 after being tortured severely. He had been accused of being a member of the Interahamwe.

32. On 18 September 1998 in the Majengo district, Ntahoshoboka Ernest, a Hutu farmer residing in Avenue Ngangi, was arrested by three Tutsi soldiers and taken as far as Munighi, several kilometres from Goma. This elderly man, aged 62, a preacher of the Church of God in the Congo, was accused of being a member of the Interahamwe. Despite the intervention of the avenue chief, the district chief and his neighbours, Mr. Ernest is still being held without charge in the clandestine jail known as "Bureau II" (near the Office of the Prosecutor of Major Jurisdiction).

33. On the afternoon of 15 September 1998, Mr. Mbarushimana, a Hutu, aged 53, residing in Avenue Mutongo II in the Mabanga district, was arrested and thrown

into a white Daihatsu minivan preceded by another Land Cruiser belonging to Rwandan soldiers.

34. They had previously surrounded Mr. Mbarushimana's plot of land while he was visible, calmly sitting in the open air in front of the door to his house. The soldiers loaded all his sacks of beans and those of his neighbour which had been stored in his house into the two vehicles and drove away with them, after they had thoroughly searched his house for 45 minutes.

35. He was freed three days later. He had difficulty in speaking as a result of the tortures he had undergone. This was probably a settling of scores. In fact, he had recently evicted, in accordance with the official procedure, a woman who had been a lodger in his house, because she had been unable to pay her bills for five months.

36. It would seem that this woman was angry and took advantage of the unrest prevailing on 14 September 1998 to tell the soldiers that she knew an Interahamwe who was living in the district and communicating with the other Interahamwe in the bush. She also alleged that he was storing for them the goods looted during the conflict of 14 October between the Mai Mai and the forces of the Rwandan-Ugandan coalition.

B. In the town of Sake

37. On 1 September 1998, near the market, at Sake in the territory of Masisi region, Maene Kaberuka (Hunde ethnic group), Yengayenga Katembo (Nande ethnic group) and Sambo Buutsi were arrested at about 7 p.m. by soldiers who used more buildings in this market as places of detention. Often over 100 people are shut up there each day after 7 p.m. and must pay 200,000 new zaires in order to be set free. However, no curfew had been announced.

38. On 18 September 1998, Mr. Egide Bagula (a Hutu, father of four children) was at home when he was arrested and tied up by the aggressors during the retaliation operations against the Mai Mai conducted in the city of Sake. He was released after a long discussion among the soldiers in charge of the operations.

39. On the same day, Mr. Henri Kinyunda, a 38-year-old bachelor belonging to the Hunde ethnic group, and Mr. Jacques Bahiga Mahebera, a 41-year-old widower belonging to the Shi ethnic group, both living in the same house at Birere/Sake, were kidnapped during the night. After all the neighbours living on the avenue and the district authorities had been alerted, the two men were freed by Ugandan soldiers. The two victims stated that they had remained bound and blindfolded for several hours until they were freed. The face of Jacques was covered with open wounds and Henri had difficulty in breathing.

C. At Bweremana-Minova (over 40 kilometres from Goma)

40. On 25 August 1998 in Minova, in the Kalehe region, in South Kivu province, Mr. Gachaniro, a Hutu living in Ngisha, was arrested by soldiers on his way back from the market after selling a sack of potatoes. He was taken to the Sake prison by soldiers belonging to the aggressors' coalition. The members of his family were not allowed to visit him. He was freed after Mr. Théophile Baleke intervened. Mr. Gachaniro told the SOPROP team that another young man, a Hutu named Hitimana, was being held in the same conditions as he himself had been, but that no one knew about it. Both men had been severely beaten, to the point where Mr. Gachaniro could neither walk nor speak normally.

VI. EXPROPRIATION OF PROPERTY

A. In the town of Goma

41. The day after the attack on Goma was launched, on 3 August 1998, all public and private communication devices - mobile phones (Télécel, Radio-phonie or Motorola), telephones - were confiscated by the rebels on the order of officers from Rwanda, thus cutting off the entire region from the rest of the world.

42. It has become quite normal for soldiers of the Rwandan-Ugandan coalition to requisition private cars to run their private errands with their women. Anyone who dares to complain exposes himself to all kinds of dangers. For example, the driver Gaby Nkuba from the Office II district was beaten violently for refusing to hand over his taxi. The same applies to all the motorcycle taxi drivers in the town.

43. These soldiers often also force drivers to accompany them to the scene of operations. Thus, at Mabanga, on 15 September 1998, Mr. Jules Shematsi, a driver for Doctors Without Borders/Goma, who was driving his private Daihatsu minivan to the Minova market with passengers on board, was forced to drive to the place where the aforementioned arrest of Mr. Mbarushimana took place. He was therefore obliged to abandon all his passengers on the road.

44. The fuel stocks of small vendors of petrol and fuel oil (commonly known as Qadhafis) are often requisitioned for military purposes.

B. In the town of Sake

45. Acts of barbarism have become common in Mitumbala (5 kilometres from Sake on the road to Masisi). Soldiers looted the Rubindi health centre. They carried off microscopes, mattresses, medications and bedding. They tore off doors and windows that the members of SOPROP found spread out on the road for sale. As they move from one position to another, these soldiers steal food, clothing, kitchen utensils, livestock and so on. The children whom they take hostage act as their porters.

46. The Daihatsu minivan belonging to Mr. Bakuu Salumu was taken by force for the transportation of war matériel during the confrontations.

47. The 3,000 soldiers deployed at Sake abandoned all the positions in the interior of the Masisi region. No arrangements had been made for their arrival. They therefore took over the various schools and churches in the area, including the Islamic primary school being rebuilt by the non-governmental organization CONCERN (where they destroyed almost everything: benches, blackboards, and other school equipment). The Kamuronza Catholic primary school, the Kyambala primary and secondary schools and a number of churches suffered the same fate. The remaining soldiers took over empty houses and houses under construction, of which they became the new owners.

C. At Bweremana-Minova

48. On 13 September 1998 in Bweremana, soldiers of the Rwandan-Ugandan coalition seized citizens' property following the confrontations with the Mai Mai. The list of victims and of the property taken from them includes: Mr. Katiti, 27 million new zaires; Mr. Yayuwa, two goats; Ms. Chantal Karamo, 5 million new zaires; Ms. Claudine, 13 million new zaires; Mr. Munganga Balume, 3 million new zaires; Ms. Mawazo Kiza, 4 million new zaires; Mr. Munganga, prefect of the Bweremana Institute, one watch; Mr. Kanumbu, head of transport and communications in Sake, one watch, one handbag and his identity documents; Mr. Muharuro Wetemwami, local chief of Bweremana, one watch, administrative documents and files and nine bolts of cloth for women's clothing, which he had intended to sell.

49. Between 11 and 13 September 1998, the invaders took from the Catholic parish in Bobandana a tape recorder, a television and a large sum of money to be used for the functioning of the parish. On 13 September, they came back and took 23 cases of beer and local beverages, as well as priests' vestments and all the food in stock, which had been intended for a celebration in honour of three young priests from that parish, who had just been ordained as priests in Goma on Sunday, 6 September 1998.

D. Rutshuru area

50. The people of Rugari are in a state of great anxiety because they have been deprived of their work in the fields, which is their only means of survival. The aggressors have savagely destroyed their banana plantations with machetes, in the mistaken belief that the plantations are used as hiding places by the Mai Mai.

51. On the night of 11-12 October 1998, soldiers of the Rwandan-Ugandan coalition took control of the Rwanguba hospital, all the houses of hospital personnel and the other homes in the neighbourhood. They were armed with rocket launchers, other guns and edged weapons. The following is an inventory of the items they looted:

(a) From Dr. Baabo Dominique: around $1,000, his clothing and that of other individuals who were present (Justin Kabala, Félicien Machozi and Dieudonné Baabo Kakuru, who suffered very violent blows to the back) and two Motorola radios;

(b) From the pharmacist Bwimba Eliphas: all his clothing and that of his wife and child, one Motorola radio, one tape recorder and two televisions, and an unspecified amount of money;

(c) From the administrator Julien Nzabakurikiza Kapalata: money, clothing belonging to him, his wife and his young daughter, one Motorola radio and a two-way radio;

(d) The accountant Justin Ntampuhwe was tortured and seriously threatened by otherwise unidentified men in uniform, to whom he gave his Motorola radio and opened the hospital safe;

(e) In the hospital, all communications equipment in the various departments was taken, including Motorola radios, intercoms, bedside radios and speakers, and the pharmacy was emptied;

(f) In the district, all shops and kiosks near the hospital were looted. After seizing these goods, the Kinyarwanda-speaking perpetrators forced the villagers to transport them.

VII. POLICE HARASSMENT

A. In the town of Goma

52. According to SOPROP, which provided this information, such cases are very common. They occur in the same manner as they did under the Mobutu regime: soldiers seize the property of civilians on the road, and the freedom of movement of individuals and their property is very limited. Members of the highway patrol ask for tips before they allow vehicles from the interior to pass.

B. In the town of Sake

53. Drivers are robbed by police officers. The attacking forces have set up many barriers, at each of which they extort the sum of 200,000 new zaires, or 2 Congolese francs, before allowing anyone to pass.

C. At Bweremana-Minova

54. Most of the people of Minova and Bweremana have chosen to move because of the many barriers set up by the aggressors along the road and in the district. These people have gone into exile along the lake in Buzi-Bulenga and Kihata.

VIII. CONCLUSION

55. For all these reasons, the Government of the Democratic Republic of the Congo once again reiterates its call upon the Security Council to assume all its responsibilities and to play fully its role in maintaining international peace and security. Accordingly, the Security Council should:

(a) Strongly condemn the invasion of Congolese territory by Rwandan and Ugandan troops;

(b) Demand that Rwanda and Uganda withdraw their troops immediately from Congolese territory;

(c) Demand that Rwandan and Ugandan troops immediately cease all acts of extortion against the Congolese population of the provinces they occupy;

(d) Initiate proceedings with a view to the arrest and conviction, by the competent international criminal courts, of the perpetrators and co-perpetrators, and their accessories, of violations of human rights and of international humanitarian law committed in Congolese territory during this aggression.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/53/746
S/1998/1165
14 December 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 41
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fifty-third year

Letter dated 14 December 1998 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Organization of the Islamic Conference Contact Group for Bosnia and Herzegovina, I have the honour to bring to your kind attention the following, which relates to the issue of Brčko arbitration:

According to annex 2 of the Dayton Peace Accords, the Arbitral Tribunal for the Dispute over the Inter-Entity Boundary in the Brčko Area was established in order to reach a decision on the administration of Brčko.

Under the Peace Accords, the Tribunal has the duty to allocate political responsibilities in the Brčko area in such a way as to give the fullest possible effect to Dayton's commands for country-wide freedom of movement, the return of displaced persons and refugees, the re-establishment of a multi-ethnic society and the democratization of the political process, all in the interests of regional and international peace.

The Arbitral Tribunal was expected to make a final decision on 15 March 1998, but it decided to delay the decision, hoping that the delay would provide it with a firmer foundation for selecting the most equitable result. It seemed possible, given the developments, that at the end of 1998 there would be change in the Republika Srpska Government, after the elections. The Tribunal concluded that the delay provided time for the progressive forces in the Republika Srpska to gather strength and begin to cooperate with the Federation and the Supervisor's compliance programme. Conversely, if the opposite occurred, the Federation's claim to exclusive control of Brčko would be that much stronger.

According to the Supplemental Award of the Arbitral Tribunal of 15 March 1998 (S/1998/248, annex), the authorities of the Republika Srpska have effectively resisted all of the supervisory programmes aimed at achieving

compliance with the Dayton Accords in the Brčko area, systematically thwarted freedom of movement, systematically intimidating any Bosniacs or Croats who explored the possibility of returning to their former homes in the area, and those few Bosniac and Croat families who still lived in the area were pressured to leave.

Before the war, according to the population census from 1991, the Municipality of Brčko consisted of 44 per cent Bosniacs, 25 per cent Bosnian Croats, and 21 per cent Bosnian Serbs, while 10 per cent were of the other ethnic groups or mixed. The city of Brčko consisted of 56 per cent Bosnian Muslims, 7 per cent Bosnian Croats, 20 per cent Bosnian Serbs and 17 per cent other ethnic groups. During the war, the Bosnian Muslims and Croats were ethnically cleansed from the area. Many were sytematically executed and tortured.

Today, in the city of Brčko, 97.5 per cent of the population consists of ethnic Serbs. According to the United Nations High Commissioner for Refugees, the total number of refugees who have returned to the Federation of Bosnia and Herzegovina is 283,724, whereas the total number of refugees who have returned to the Republika Srpska is 19,765. Of this group, 18,271 persons are ethnic Serbs.

Brčko is also the crossroads of Bosnia and Herzegovina, the meeting point of the Federation of Bosnia and Herzegovina and the Republika Srpska. The 5-kilometre-wide corridor links the western and eastern parts of the Republika Srpska; at the same time, it is the path from the south to the north of the Federation, as well as its access to the European river transit routes.

Keeping in mind the history, demographics and significance of Brčko, it would be unjust and would be counter to the development of peace, if Brčko were awarded to the Republika Srpska. We would very much appreciate your prompt action on this issue, in the light of the fact that the final decision should be reached early in 1999, and also considering the critical nature of the issue.

May I ask you for your kind assistance in circulating the present letter as a document of the General Assembly, under agenda item 41, and of the Security Council.

(Signed) Hadi NEJAD HOSSEINIAN
Ambassador
Permanent Representative